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10 *Attorneys for Defendant Executive Risk Specialty*  
11 *Insurance Company*

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14  
15 LENSRAFTERS, INC., and EYEXAM OF  
CALIFORNIA, INC.,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE  
19 COMPANY; EXECUTIVE RISK SPECIALTY  
20 INSURANCE COMPANY; UNITED STATES  
FIRE INSURANCE COMPANY; MARKEL  
21 AMERICAN INSURANCE COMPANY and  
WESTCHESTER FIRE INSURANCE  
COMPANY,

22 Defendants.  
23

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
DEFENDANT EXECUTIVE RISK  
SPECIALTY INSURANCE COMPANY  
TO RESPOND TO COMPLAINT**

24 WHEREAS, by notice pursuant to Fed. R. Civ. P. 4(d)(2) dated June 5, 2007, Plaintiffs  
25 requested that defendant Executive Risk Specialty Insurance Company ("ERSIC") waive formal  
26 service of service of the summons and Complaint herein and ERSIC so agreed to waive formal  
27 service;

28 WHEREAS, pursuant to Fed. R. Civ. P. 4(d)(3), ERSIC's response to the Complaint is

1 due August 6, 2007;

2 WHEREAS, ERSIC has requested and Plaintiffs have agreed to a 25-day extension of  
3 time for ERSIC to answer or otherwise respond to the Complaint;

4 WHEREAS, no previous extensions of time have been requested or received by ERSIC in  
5 this matter;

6 WHEREAS, on May 31, 2007 and June 29, 2007, the Court issued Case Management  
7 Scheduling Orders, and thus ERSIC and Plaintiffs agree that the dates set forth in those Orders  
8 remain notwithstanding the 25-day extension of time to respond to the Complaint;

9 WHEREAS, notwithstanding the absence of a responsive pleading, ERSIC agrees to  
10 comply with all deadlines set by the Court in the Case Management Scheduling Orders;

11 NOW THEREFORE, the Parties hereby STIPULATE to and REQUEST that the Court  
12 grant an extension of time, to and including September 4, 2007, for ERSIC to answer or otherwise  
13 respond to the Complaint.

14 Date: August 3, 2007

Respectfully submitted,

ROSS, DIXON & BELL, LLP

17 /s/ Terrence R. McInnis  
18 Terrence R. McInnis

19 and

20 Monique M. Fuentes  
Siavash Daniel Rashtian

21 *Attorneys for Defendant Executive Risk*  
22 *Specialty Insurance Company*

HELLER EHRMAN WHITE & McAULIFFE, LLP

/s/ Celia M. Jackson  
Celia M. Jackson

and

Richard DeNatale  
*Attorneys for Plaintiffs LensCrafters, Inc. and  
EYEXAM of California, Inc.*

**IT IS SO ORDERED:**

Date: August \_\_\_\_, 2007

Hon. Sandra Brown Armstrong  
United States District Court Judge